

2680 Copper Cove Drive
Henderson Nevada 89014
August 18, 1998

United States Senator Harry Reid
300 Las Vegas Blvd. South
Las Vegas Nevada 89101

MUR 4801

Dear Senator Reid:

Members of your staff have interfered with and attempted to influence non-profit non-partisan groups in furtherance of your reelection campaign.

On June 30, Mr. David Cherry called me from Democratic Party headquarters to suggest I attend a "press conference" to be held the following day by the Nevada State Council of Senior Citizens.

As president of Clark County Chapter #04530 of the National Council of Senior Citizens, I had no awareness of the event prior to Mr. Cherry's call. A short time after Mr. Cherry's call I received a fax from Mr. Scott Watts concerning the "press conference." Mr. Watts is president of the above mentioned state council. Curiously, part of the fax seems to originate from "U.S. Senator Harry Reid."

Naturally, I did not attend the "press conference." Neither I, nor Clark County Chapter #04530 of the NCSC had any involvement or input into the event.

Subsequently it came to the attention of our chapter's executive board that Mr. Cherry had apparently contacted members of our chapter with "pre-written letters to the editor" to be signed as if written by these individuals.

The above actions potentially violate rules of the National Council of Senior Citizens. Furthermore, the previously mentioned "press conference" was then somehow inserted into Jewish War Veterans Post #711 newsletter.

Subsequently, your legislative assistant, Mr. Gerald Reed, made an uninvited and improper presentation, of a political nature, at Jewish War Veterans Post #65 August general meeting.

93 "711" 391 2450

I have just learned that Mr. Cherry holds the title of your Deputy Press Secretary. This high level of staff involvement indicates to me that these actions on your behalf were duly authorized, albeit improper. I had previously assumed they might have been "youthful indiscretions" by over eager, but misguided campaign workers.

These organizations deserve an apology. After all, anyone who would intentionally jeopardize the tax-exempt status of senior or veterans groups is no friend of seniors or veterans.

Sincerely,

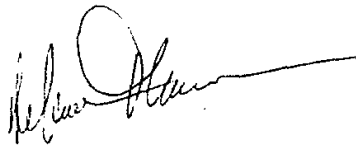
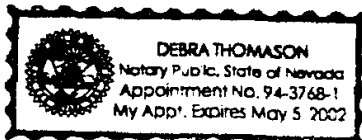


Jonathan Levenson

cc: JWV Post #65 Commander and Executive Board
JWV Post #711 Commander and Executive Board
NCSC Clark County Chapter #04530 Executive Board
Federal Elections Commission

State of Nevada
County of Clark

Signed and sworn to before me on 19 August 1998 by
Jonathan Levenson.



Nevada State Council of Senior Citizens



2808 Pamela Place
Minden, NV 89423

Phone No. 702-267-4411

Fax No. 702-267-3513

A Fax from NSCSC

TO: **Jonathon Levinson**

PAGES: **2** PLUS COVER

RE: NEWS CONFERENCE

JUN-30-98 10:01A

Nevada State Council of Senior Citizens



2808 Pamela Place
Minden, NV 89423

Phone No. 702-267-4411

Fax No. 702-267-3513

SENIORS COUNCIL TO RELEASE CONGRESSIONAL SCORECARD

***** NEWS ADVISORY *****

June 30, 1998

CONTACT: Mike Aupperle 870-5305

Las Vegas -- The Nevada State Council of Senior Citizens (NSCSC) will release its scorecard for the 105th Congress at a news conference in Las Vegas Wednesday beginning at 10:00 a.m.

Each year the National Council of Senior Citizens, NSCSC's parent organization, evaluates members of Congress to see how they voted on key senior issues such as Medicare and Medicaid, preserving Social Security and balancing the budget.

As part of Wednesday's event, NSCSC will highlight the records of Nevada Senators Harry Reid and Richard Bryan and Representatives John Ensign and Jim Gibbons.

Scorecard results will be available to the media on Wednesday along with reaction from Nevada seniors and members of the NSCSC Executive Board.

**WHAT: CONGRESSIONAL SCORECARD
RELEASE**

**WHO: NEVADA STATE COUNCIL OF
SENIOR CITIZENS (NSCSC)**

WHEN: WEDNESDAY, JULY 1, 10:00 a.m.

**WHERE: DULA GYMNASIUM STUDIO
441 EAST BONANZA
(BETWEEN MAIN AND L. V. BLVD. NEXT
TO L.V. SENIOR CENTER)**



MICHAEL
CHERRY
DISTRICT COURT JUDGE
DEPARTMENT 17

Most qualified • Most experienced

Michael Cherry is the most experienced and the most qualified candidate in the District Court Judge, Department 17 race. His 28 years of diversified trial experience including service as an alternate Municipal Judge, Special Master and Arbitrator attests to his exceptional qualifications.

A resident of Southern Nevada since 1970 he raised his children Meryl and David in Las Vegas. Meryl graduated from Gorman High School and University of Oregon. She is now a first grade teacher. Her husband is a Police Officer. David is a Clark High School and UNLV graduate. He is employed as Deputy Press Secretary for United States Senator Harry Reid.

JUDICIAL APPOINTMENTS

- Special Master - MGM Hotel Fire Litigation and Las Vegas Hilton Hotel Fire Litigation...A Special Master is selected by a Presiding Judge and is responsible for coordinating all pre-trial proceedings and facilitating settlement negotiations. In essence, he is the "eyes and ears" of the Court.
- Alternate Municipal Court Judge, City of Las Vegas, every year since 1977...Appointed by Mayor Bill Briare, Mayor Ron Lurie, and Mayor Jan Jones.
- Alternate Municipal Court Judge, City of Henderson
- Justice of the Peace Pro Tem, Clark County, Nevada
- Small Claims Court Referee for Clark County, Nevada
- Coroner's Inquest Hearing Officer, Clark County, Nevada
- Arbitrator and Hearing Officer
- Attendance at The National Judicial College, Reno, Nevada

LEGAL ACCOMPLISHMENTS

- Selected as First Special Public Defender of Clark County, Nevada (Newly created department specializing in homicide cases)
- Senior Partner Law Firm of Cherry, Bailus, & Kelesis
- Chairperson/Principal Attorney, Plaintiffs' Legal Committee, Pepcon Explosion Litigation
- Former Assistant Public Defender
- Instructor of Business Law and History, University of Phoenix, Nevada Campus
- State Bar of Nevada Disciplinary Committee
- State Bar of Nevada Client Security Fund Committee
- Medical Legal Screening Panel
- Past President Nevada Attorneys For Criminal Justice
- Admitted to practice before the United States Supreme Court, Ninth Circuit Court of Appeals, Fifth Circuit Court of Appeals and the Supreme Court of Nevada

EDUCATION

- Graduate University of Missouri
- Graduate Washington University Law School

MILITARY

- Commissioned Officer United States Air Force

For further information call **870-1602**
2325 Laurie Drive, Las Vegas, Nevada 89102

NCSC Rates

Heroes and Zeroes

The National Council of Senior Citizens has evaluated Members of the House and Senate on key votes they cast in the first session of the 105th Congress on issues of importance to older men and women.

The 1997 NCSC Voting Record features specific votes that, in our opinion, directly or significantly affect the interests of seniors and their families. Many of the votes selected were motions, on and amendments to, comprehensive bills such as the Fiscal 1998 Budget Reconciliation Act, the Consumer Price Index Adjustment Act and the Senior Citizens Home Equity Protection Act. Other votes selected were freestanding bills of great importance, such as the Senate Balanced Budget Constitutional Amendment bill.

Two major events marked the direction of the first session of the 105th Congress: the increase of Democratic seats in the House, which allowed the President to increase his influence over legislation and long-term national policy; and the balanced budget agreement between the Congressional leadership and President Clinton, which has fundamentally altered the political playing field in the aging community.

The budget agreement authorized the creation of a Bipartisan Commission on the Future of Medicare to offer recommendations for changes in the senior health care program to accommodate the needs of "Baby Boomers" over the next three decades. At the same time, the President has embarked on a series of Social Security "forums" to take place in 1998 that will culminate in a White House Conference on Social Security later in the year. Both the Medicare Commission and the White House Conference on Social Security will generate legislative options in 1999 that could change the social insurance substructure of both Social Security and Medicare.

So, how did Members of Congress respond to the challenge in 1997? Out of a possible 100 points, only one Senator scored "zero," while 15 had a perfect score of "100." In the House, two Members scored "zero," while 41 rated a score of "100."

HEROES OF 1997

Senate:

Akaka, D. (HI)
Boxer, B. (CA)
Byrd, R. (WV)
Daschle, T. (SD)
Dorgan, B. (ND)
Durbin, R. (IL)
Inouye, D. (HI)
Johnson, T. (SD)
Kennedy, E. (MA)
Lautenberg, F. (NJ)
Leahy, P. (VT)
Reed, J. (RI)
Reid, H. (NV)
Rockefeller, J. (WV)
Sarbanes, P. (MD)

House:

Borski, R. (PA)
Boucher, R. (VA)
Clay, W. (MO)
Conyers, J. (MI)
Davis, D. (IL)
DeLahunt, W. (MA)
Dellums, R. (CA)
Engel, E. (NY)
Filner, B. (CA)
Frank, B. (MA)
Gephardt, R. (MO)
Gonzalez, H. (TX)

Gutierrez, L. (IL)
Hastings, A. (FL)
Hilliard, E. (AL)
Jackson, J. (IL)
Kaptur, M. (OH)
Kupatrick, C. (MI)
Kennedy, J. (MA)
Kennedy, P. (RI)
Kucinich, D. (OH)
McDermott, J. (WA)
McGovern, J. (MA)
McNulty, M. (NY)
Mink, P. (HI)
Moakley, J. (MA)
Nadler, J. (NY)
Oberstar, J. (MN)
Obey, D. (WI)
Payne, D. (NJ)
Rahall, N. (WV)
Rangel, C. (NY)
Rush, B. (IL)
Sanders, B. (VT)
Serrano, J. (NY)
Stark, P. (CA)
Townes, E. (NY)
Velazquez, N. (NY)
Watt, M. (NC)
Waxman, H. (CA)
Yates, S. (IL)

ZEROES OF 1997

Senate:

Murkowski, F. (AK)

House:

Gingrich, N. (GA)
Schiff, S. (NM)

NCSC encourages its members to use the voting record to let other seniors know how their legislators voted in 1997 with regard to senior programs such as Social Security, Medicare, senior housing, and the Older Americans Act. One way to do this is by writing a "Letter to the Editor" noting the "Heroes and Zeroes" in your state.

To receive a free copy of the 1997 NCSC Voting Record, send a 3x5 business-sized self-addressed stamped envelope to the following address: 1997 NCSC Voting Record, Attention: Legislative Department, National Council of Senior Citizens, 8403 Collesville Road, Suite 1200, Silver Spring, Maryland 20910-5514. You can also check out the voting record on NCSC's web site, www.NCSCinc.org.

THE SENIOR CITIZENS PROTECTION ACT OF 1998 Fighting Fraud and Abuse by Nevada Senator Harry Reid

I value the opportunity, to represent Nevada's senior citizens in the U.S. Senate. Over the years I have had the opportunity to visit with thousands of Nevada's seniors and have always looked forward to the opportunity to hear their concerto first hand. It has been a top priority of mine to look out for especially those senior citizens who are most vulnerable. The Senior Citizens Protection Act of 1998, of which I am a proud co-sponsor, is a step in the right direction in achieving security for our seniors.

The Senior Citizens Protection Act of 1998 has two goals: 1) to stop health care fraud and; 2) to protect vulnerable seniors. How do we accomplish these goals without further bloating the federal government? By expanding on the authority of an already existing entity. The Medicaid Fraud Control Unit (MFCU), established in 1978, has the expertise and experience to warrant the expansion of their responsibilities. They merely lack the authority to get involved in non-Medicaid related fraud cases.

There are currently 47 federally certified Medicaid Fraud Control Units (MFCUs) across the country. We are fortunate to have one in Nevada. These Units are set up primarily to investigate and prosecute Medicaid provider fraud and examining allegations of patient abuse or neglect in facilities that directly receive funding from the Medicaid program. It is unfortunate that when MFCU investigators discover evidence of fraud in a Medicaid program which may be also happening in Medicare, or other federally funded health care programs, they are restricted from taking action. Under current law MFCUs are also only able to investigate patient abuse in medical facilities which receive Medicaid funds.

It is important to remember while most providers are honest, hard working professionals, unfortunately there are some that are not. The Senior Citizens Protection Act will give MFCUs the authority to go after the bad apples. The direct impact on Nevada's senior citizens would be tremendous. Nevada has 47 nursing homes and 54 adult group homes that fall within the new guidelines set forth in this bill. With the passage of this bill, seniors and other residents in these facilities would be protected regardless of whether the facility receives Medicaid funding or not. We owe them these protections.

During two recent Aging Committee field hearings that I held in Las Vegas and Reno, I heard first hand from Nevada's

Attorney General, Frankie Sue Del Papa, just how important this legislation is for our state. I believe this bill to be an important opportunity to reduce fraud and abuse in our Medicare programs. The Senior Citizens Protection Act is a welcome weapon in our arsenal to fight abuse.

At a time when Congress is debating the long term solvency of the Medicare system, we all need to be involved in the fight against Medicare fraud. Last year, the Medicare program recovered more than \$7.5 billion from Medicare vendors who fraudulently billed the Medicare system. Although this is good news, the Inspector General of the Department of Health and Human Services (HHS) has reported over \$20 billion in Medicare fraud and abuse occurred in 1997. Medicare fraud hurts everyone. It makes services more costly and puts a financial strain on the system that impacts every Medicare beneficiary.

HHS Secretary Donna Shalala recently announced a new program which make senior citizens who alert Medicare of fraudulent activities eligible for rewards if their information leads to the recovery of Medicare funds. This new program underscores the continuing contributions that older Americans make to our country, by encouraging them to work closely with their family members, colleagues and peers to fight fraud and abuse. It allows Nevada's senior citizens to be the eyes and ears in the field and adds another weapon to the arsenal in the fight against fraud and abuse and protecting the Medicare system.

Under this program, which starts in January 1999, rewards of up to \$1,000 will be paid to senior citizens and others who report fraud and abuse in the Medicare program. To receive a reward, the information reported must directly contribute to the recovery of Medicare funds for fraudulent activity. Rewards will be for 10% of the recovered overpayment or a \$1,000 maximum and will be financed from the collected overpayments, after all other fines and penalties have been paid.

Now, if Medicare beneficiaries or others spot Medicare being billed for services that were never provided; being billed twice for the same procedure; or being billed for a more expensive procedure than the one received, they can report those illegal activities and be rewarded for the effort.

Another effort being undertaken by HHS Secretary Donna Shalala will be the hiring of additional personnel to help fight fraud and abuse. The additional staff will review claims as submitted by Medicare vendors, such as hospitals, physicians and other providers, the HHS Inspector General and the Department of Justice. Under new authority provided by the 1996 Health Insurance Portability Act, Which

I supported in the Senate, Medicare is expanding its authority to fight Medicare fraud to include more personnel who can bring new energy and ideas to this essential task.

This new proposed program will include ways to ensure that Medicare only pays for services and overhead costs that it legally obligated to pay; ensure that Medicare does not pay bills that should be paid by another provider; and educate Medicare recipients about how to spot and report potential fraud and abuse.

These new tools to fight Medicare fraud and Abuse will help build on the successful recoveries of illegal payments in 1997, and put in place a plan for doing even more to protect consumers and taxpayers from health care scams and unscrupulous providers. Although we have a long way to go, these new provisions will help reduce the number of Medicare fraud cases in Nevada and across the country.

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REID NAMED "HERO" BY NEVADA STATE COUNCIL OF SENIOR CITIZENS

Senator Harry Reid expressed appreciation to the National Council of Senior Citizens (NCSC) for awarding him "Hero" status in their scorecard for the 105th Congress. The award was given at a press conference held in June by the Nevada State Council of Senior Citizens (NSCSC). Reid received a 100% rating from NCSC, a rating based on key votes affecting the interests of seniors and their families.

Among the votes members were evaluated on was Reid's own Senate proposal to exempt the Social Security trust fund from being included in the balanced budget. The NSCSC is a chapter of the National Council of Senior Citizens, which has been a leading voice for older Americans for 35 years and is one of the largest non-profit organizations in the United States. Reid was one of 15 Senate members to receive the "Hero" status this year.

"Nevada has one of the fastest growing populations in the country," Reid said. "I have long believed we must respect and care for our elders. That's why it has always been a top priority of mine to protect their interest. As a senior member of the Special Committee on Aging, I have the unique opportunity to craft legislation and address the concerns that are most important to seniors in the Silver State and throughout the nation."

Reid has consistently received high marks from NCSC during his 16 years in congress.

"Keeping in touch with seniors helps me get a better feel for their needs," Reid said.



Political Dos and Don'ts

The National Council suspended its Political Action Committee in 1997 and has opted to concentrate its efforts on educating older Americans about the issues rather than spending time raising money to contribute to candidates. This has necessitated changes in the way that NCSC conducts its political activities in the field. A key change is that NCSC candidate endorsements will be accomplished at the national level, not locally. Clubs and councils need to be aware of the following:

DO

1. Keep NCSC members informed about public issues that affect the lives of seniors through written communications and meetings.

2. Invite Federal office holders or candidates to speak at NCSC membership meetings or events. Such appearances must be limited to a discussion of public issues. No express advocacy of the election or defeat of a candidate is allowed. If the event includes the public, as well as NCSC members, you must give all candidates for the same seat a similar opportunity to appear. You can invite your regular press list to attend the event.

3. Keep members informed about important legislative issues and how incumbent officeholders are voting on those issues. Issues communications should not refer to the election or defeat of candidates. Such communications may call on an officeholder to change his vote on a bill or take some other legislative action. Timing should be based on the legislative schedule, not a political one.

4. Lobby Members of Congress and state elected officials to change their position on specific bills and urge members of NCSC to do the same.

5. Sponsor nonpartisan voter registration and get-out-the-vote drives aimed at members and other seniors. You can mention issues in the drive materials but not in a way that influences how people will vote. All drive materials must have the proper disclaimer. Contact NCSC for the language.

6. Sponsor nonpartisan candidate debates between candidates for the same office. All candidates for the same seat must be given an opportunity to participate. Format and questions must be neutral.

7. Use neutral candidate questionnaires to inform your members about candidates' views on a broad range of issues. All candidates for the same race must have an opportunity to complete the questionnaire. Questions should not be biased or slanted toward one candidate. Answers should be printed verbatim.

DON'T

1. Consult with or otherwise coordinate with candidates, officeholders, or party officials about your issues communications.

2. Call for the election or defeat of a candidate or officeholder at an NCSC event or talk about his or her campaign. Don't discuss campaign strategy, tactics, polling, etc., with a candidate at any time including in connection with an appearance at an NCSC issues event.

3. Endorse any candidate for nomination or election to any office. Federal tax laws prohibits 501(c)(3) organizations (such as many NCSC state affiliates) from doing this.

4. Call on members or the public to vote against or defeat an incumbent because of his or her position on legislative issues. Legislative issues communications should not refer to elections or election-related subjects. Don't coordinate these communications with a candidate or party committee or time them right before the election.

5. Spend more than an "insubstantial" amount of your organization's resources on lobbying or grassroots lobbying.

6. Coordinate your nonpartisan voter registration or "Get out the Vote" drive with any candidate or party committee. Don't make any statement in connection with the drive that expressly advocates the election or defeat of any candidate. Do not mention parties or candidates in the drive materials.

7. Make express advocacy statements in favor of a particular candidate or ask biased questions in the debate.

8. Use biased questions or score the answers in the questionnaire. The questionnaire must be neutral on its face. It should not give the impression that the views of a particular candidate are preferable. Don't coordinate the questionnaire with any candidate or political party official.

This material is intended as a general guideline for election activities. If you have specific questions or concerns, call Joe Ervin, NCSC Director of Political Education, at 301-578-8834.

Ensign raps report that praises Reid

7/2/98
A report issued by a seniors group on Wednesday gave U.S. Sen. Harry Reid glowing marks. But Republican Rep. John Ensign called the report by the National Council of Senior Citizens skewed and said the group is a "Democratic front."

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Seniors' group praises Reid, no GOP

Associated Press

7/2/98
RENO — A seniors' group gave U.S. Sen. Harry Reid glowing marks Wednesday for his votes in Congress on issues important to senior adults, but was less complimentary to other members of Nevada's congressional delegation.

Republican Rep. John Ensign, who is challenging Reid for his Senate seat in this year's election, said the report by the National Council of Senior Citizens is skewed and called the group a "Democratic front."

"This group has never supported a Republican," he said.

Ensign said the report shows "Harry Reid standing with the Washington liberals, and the rest of the delegation — not. We're

standing with Nevadans."

The voting records of all four members of Nevada's congressional delegation were released during a news conference in Reno by the Nevada Council of Senior Citizens.

The group monitored 10 Senate votes taken in 1997 on issues or motions pertaining to Social Security, Medicaid, oversight of medical devices, senior programs, and balanced budget legislation.

Of those, Reid's votes reflected the group's position 100 percent

of the time, the report said.

Sen. Richard Bryan, a fellow Democrat, scored a 50 percent approval rating.

Votes in the House were monitored on similar issues, but not necessarily on the same bills or motions. The votes of Ensign and fellow Republican Rep. Jim Gibbons, coincided with the groups' stance only 40 percent of the time.

Scott Watts, president of the Nevada council, said the report is not meant as an endorsement.

Senior citizens' group praises Reid, blasts Ensign on votes

■ **All political, Ensign says: Calls council a liberal front.**

By Bill O'Driscoll
RENO GAZETTE-JOURNAL

A Washington, D.C.-based senior citizens' interest group Wednesday lauded incumbent Sen. Harry Reid, D-Nev., for his votes on senior issues in 1997 while ding- ing his chief challenger, Rep. John Ensign, R-Las Vegas.

In ranking of senators and repre- sentatives on 10 votes affecting se- niors, the National Council of Se- nior Citizens gave Reid a perfect 100 score and Ensign a 40 for vot- ing against seniors six times.

Ensign dismissed the scorecard as politically motivated.

"This group has never supported a single Republican. It's just a front for liberals. There are conservative senior groups that score me high and Harry Reid low," Ensign said.

The National Council of Senior Citizens scorecard of all 535 mem- bers of Congress showed a trend of better grades for Democrats than Republicans.

Republican House Speaker Newt Gingrich was given a zero and Sen- ate Majority Leader Trent Lott, R- Miss., a 10.

By contrast, House Minority Leader Dick Gephardt, D-Mo., and Senate Minority Leader Tom Daschle, D-S.D., both scored per- fect 100s.

But in a Reno news conference, Scott Watts, president of the Neva- da State Council of Senior Citi- zens, said the organization is non- partisan.

See **SENIORS** on page 2D

Seniors

From page 1D

"We're not picking on Republi- cans or Democrats. We're picking on their record," Watts said. "We don't care if they're Republican or Democrat, we'll fight the ones who try to take our benefits away. Their record is their record."

Many of the votes selected in the scorecard were motions or amend- ments to comprehensive bills such as the 1998 Budget Reconciliation Act and Senior Citizens Home Equ- ity Protection Act.

"These votes were critical to in-

creasing funding for elderly hous- ing and programs under the Older Americans Act, ensuring cost-of- living increases in Social Security, and protecting Medicare from ef- forts to cripple the program," Watts said.

Ensign singled out one of his votes as in line with Nevada's wish- es: yes on requiring a supermajor- ity vote in Congress to raise taxes.

"That's a good example of what Nevada would favor. In 1994 and '96, they overwhelmingly passed a similar law," he said of the re- quired two-thirds vote now in place to raise taxes in the Legislature.

Scores for Nevada's two other

federal lawmakers were mixed. Sen. Richard Bryan, D-Nev., was

graded a 50 and Rep. Jim Gibbons, R-Reno, a 40.